

T H E

Vicuallers CASE,

Humbly offered to the Consideration of their
Excellencies the Lords Justices, and the Rest
of the Kings Ministers.

IT may be presumed there are in this City (that is with-
in the Bill of Mortality) a Million of Sou's or People,
many of which its found are afflicted with the *Ptifick*,
&c. more than in other Parts of the Kingdom; to Remove
and Prevent such Distempers, the Greatest and Richest of
its Inhabitants for the most part of the *Summer* Reside at
Tunbridge, Epsom, &c. but the middle and meaner sort of
Persons (who are the main Bulk of the People) are con-
strained to follow their Trade or Callings whereby to sup-
port themselves and Families, so all the help and means
they have to obtain the fresh Air, is, (for the most part)
by walking into the Fields on the Lords-day, which occa-
sions a great many Victualling-Houses to be kept in all the
out parts of the Town, in which they refresh themselves,
and which is a Liberty they always enjoyed (that is out of
Sermon-time) when the City was little more than half
so populous as now it is; Yet since the Passing of the Act
for the Strict Observation of the Lords day, some Persons,
through a mistaken Zeal, will not permit the Victuallers to
have Company in their Houses any part of the Lords day,
(though they behave themselves never so soberly) but
Convict them as following their Trade or ordinary Calling
on the Lords day. This Violent and Unusual way of pro-
ceeding (which the poor Victuallers have long Laboured
under, and by Quartering of Soldiers, great sufferers all
the time of the late War) it's humbly Conceiv'd more pre-
judicial to the Established Church (in the preservation of
which we enjoy our outward Peace) than Reforms the Man-
ners of Men (to which every good Man would willingly

put forth his helping hand) it being well known, all the Reformed Churches abroad give a far greater Latitude to the People in this Case, than has been Allow'd or Practic'd in *England* (generally speaking) for this Age past ; And *it's not long ago since the Dissenters were Legally Prosecuted, yet all Honest Men were well pleased when a stop was put thereunto ; and wonder now what it is should make them so peevish and out of humour : Better and more safe it is for Brethren to live in Unity, than to have to do with Men of no Faith.* The way to Reform Mankind, and bring them to a sense of their Duty, is, in taking care they do not abuse their Liberty ; but to Restrain or Abridge Men of their Christian Liberty, is not the way to Reform them, but to make them Hypocrites or Atheists.

The Victuallers have not been wanting by all humble Ways and Means to obtain a Relaxation of the Law (as its now put in practice) as may be seen by the Petition hereunto annexed (which was handed from one Justice of the Peace to another, and not publickly given into Court, for fear of giving Offence) but could obtain no Relief (tho' divers Justices of the Peace were Inclined or Disposed to have if they could) So find they no Hope or Prospect of Deliverance otherwise than by Prostrating themselves (which now they do in all humility) at the Feet of their Excellencies the Lords Justices and the rest of the Kings Ministers ; from whose goodness alone it is they can, in this Case, expect relief, and be preserved from that Impending Ruin which now hangs over their Heads, and which otherwise for the most part they can no ways avoid but become a Charge to their several Parishes.

It's humbly hoped, so great a number of Families as the Victuallers are in the out parts of the Town shall not be exposed to Ruin, for the sake of them that are publickly known to keep Lewd and Disorderly Houses, and deserve the utmost severity of the Law, as do also those who shall presume to have Company in their Houses in time of Divine Service, or suffer Disorderly doings therein any part of the Lords day.

To the Right Worshipful His Majesties Justices
of the Peace for the County of *Middlesex*. ff.

The Humble Petition of S. M. and other Victual-
lers within the Bill of Mortality, in the County
of *Middlesex*

Sheweth,

That the greatest part of your Petitioners have been Convicted for Victualling on the Lords Day before and after Sermon, and also every Lords Day in danger not only of being so Convicted, but afterwards liable of being Indicted for the same; therefore your Petitioners in all humility pray they may be permitted to lay open the hardness of their Case, and to follow Victualling on the Lords Day, before and after Sermon, for these following Reasons:

1st. That there is an Act now in force (to your Worships well known) by which Waggoners are obliged to go double with their Horses as Coachmen do; Yet the Justices of the Peace (in whom the Law has reposed great Trust, and thereby enabled them to mitigate and take of the edge and severity thereof) neither do or will Issue out any Warrant upon the Breach of that Statute, tho' but lately passed into an Act, it being found Impracticable.

2^{dly}, That Coachmen and Watermen are by Act of Parliament permitted to Work on the Lords Day, whereas all along till of late, they lay as much open to the lash of the Law, as your Petitioners do now; but were there no such Acts in force, it would then appear much more reasonable to admit of Victualling on the Lords Day, than to allow either of them to Work. Yet so it is, the Law can never make provision for all Men, but that some will always be at the Mercy of the Magistrate, upon whose goodness alone it is your Petitioners depend.

3^{dly}, That There are many Thousands of Shop-keepers, Handicraftsmen, and Labouring People in this populous City, that are confined to their business all the Week, who through the Multiplicity of Buildings, and Thickness of the Air (occasioned by the Burning of Sea-cole) are obliged, they and their Families, for Healths sake, to Walk into the Fields to take the Fresh Air; of which freedom, in effect, they are debarred and hindered, if not permitted to Refresh themselves in a Publick House.

4^{thly}, That with all due Submission, your Petitioners humbly conceive Victualling to be no Trade or Calling but a Profession, and in the Eye of the Law look'd upon to be no other, none being admitted or allowed to follow it, but only those who are Licenced so to do by the Justices of the Peace; whereas Trade is always open and free, and under no restraint, more than what tends to the Advantage and Improvement thereof.

5^{thly}, That

5thly, That your Petitioners hope, for the foregoing Reasons, your Worships will be pleased to permit them to follow Victualling on the Lords Day, before and after Sermon, so long as they keep good order in their Houses, and suffer no Lewdness or Drunkenness therein (as being the ultimate end and design of the Law, and always allowed even in the worst and most severest times) otherwise not only your Petitioners, their Wives and Children, but a multitude of other Families that depend upon victualling, will be utterly Ruined, and also his Majesty's Revenue greatly Impaired.

Your Petitioners therefore most humbly pray your Worships will be pleased to take such Measures in this Matter, (so as your Petitioners may be permitted to follow Victualling as above) as to your Worships great Wisdom and Prudence shall seem most meet.

And your Petitioners (as in Duty bound) shall ever pray, &c.

S. M.

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